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PTO/SB/22 (12-09)

Approved for use through 01/31/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| <b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>   |            | Docket Number (Optional)     |                  |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
|---|------------|------------------------------|------------------|--|------------|-------------------------|--|--|-------|------|----------|--|-------|-------|------------------|---|--------|-------|----------|--|--------|-------|----------|--|--------|--------|----------|
| <b>FY 2009</b>  |            | 102.0003-04000               |                  |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| <small>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</small>  |            |                              |                  |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| Application Number    09/626,636  |            | Filed    July 27, 2000       |                  |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| For <b>A GUARD FOR USE IN PERFORMING HUMAN INTERBODY SPINAL SURGERY</b>   |            |                              |                  |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| Art Unit    3731  |            | Examiner    Ryan J. Severson |                  |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| <p>This is a request under the provisions of 37 CFR 1.138(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;"></th> <th style="width:15%; text-align: center;"><u>Fee</u></th> <th style="width:15%; text-align: center;"><u>Small Entity Fee</u></th> <th style="width:30%;"></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$130</td> <td style="text-align: center;">\$65</td> <td>\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$490</td> <td style="text-align: center;">\$245</td> <td>\$ <u>490.00</u></td> </tr> <tr> <td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1110</td> <td style="text-align: center;">\$555</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$1730</td> <td style="text-align: center;">\$865</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2350</td> <td style="text-align: center;">\$1175</td> <td>\$ _____</td> </tr> </tbody> </table> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>50-3726</u>.</p> <p><b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the    <input type="checkbox"/> applicant/inventor.</p> <p style="padding-left: 100px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.<br/>Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</p> <p style="padding-left: 100px;"><input checked="" type="checkbox"/> attorney or agent of record. Registration Number    <u>34,383</u></p> <p style="padding-left: 100px;"><input type="checkbox"/> attorney or agent under 37 CFR 1.34.<br/>Registration number if acting under 37 CFR 1.34    _____</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 60%;"> <p style="text-align: center;"><br/>_____<br/>Signature</p> <p style="text-align: center;">Thomas H. Martin<br/>_____<br/>Typed or printed name</p> </div> <div style="width: 35%; text-align: center;"> <p>January 6, 2009<br/>_____<br/>Date</p> <p>330-877-0700<br/>_____<br/>Telephone Number</p> </div> </div> <p><small>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</small></p> <p><input checked="" type="checkbox"/> Total of    <u>1</u>    forms are submitted.</p> |            |                              |                  |  | <u>Fee</u> | <u>Small Entity Fee</u> |  | <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$130 | \$65 | \$ _____ | <input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$490 | \$245 | \$ <u>490.00</u> | <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1110 | \$555 | \$ _____ | <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$1730 | \$865 | \$ _____ | <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$2350 | \$1175 | \$ _____ |
|   | <u>Fee</u> | <u>Small Entity Fee</u>      |                  |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1))  | \$130      | \$65                         | \$ _____         |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| <input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))  | \$490      | \$245                        | \$ <u>490.00</u> |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3))   | \$1110     | \$555                        | \$ _____         |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4))  | \$1730     | \$865                        | \$ _____         |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5))  | \$2350     | \$1175                       | \$ _____         |  |            |                         |  |  |       |      |          |  |       |       |                  |   |        |       |          |  |        |       |          |  |        |        |          |

This collection of information is required by 37 CFR 1.138(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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